

Docket No.  
L01-13C

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### PROCESSES FOR GENETIC MANIPULATIONS USING PROMOTERS

the specification of which

(check one)

is attached hereto.

was filed on APRIL 5, 1999 as United States Application No. or PCT International

Application Number 09/286,533

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Number)

(Country)

(Day/Month/Year Filed)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

**SEARCHED**  
I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

08/922,965

09/03/97

Patented

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

08/636,748

04/19/96

Patented

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

07/957,647

10/05/92

Patented

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Barbara J. Luther, Reg. No. 33,954

Send Correspondence to: **Barbara J. Luther, Esq., P.C.**  
**330 Abies Road**  
**Reno, Nevada 89511-8779**

Direct Telephone Calls to: (name and telephone number)  
**Barbara Luther @ 775-849-9746 Fax: 775-849-7816**

Full name of sole or first inventor <b>Russell N. Van Gelder</b>	Date
Sole or first inventor's signature 	<b>8/6/99</b>
Residence <b>11928 Claychester Drive, Des Peres, Missouri 63131</b>	
Citizenship <b>US</b>	
Post Office Address <b>Washington U. Medical School, Dept. Ophthalmology &amp; Visual Science #8096, 660 S. Euclid, St. Louis, MO</b>	

Full name of second inventor, if any <b>Mark E. Von Zastrow</b>	Date
Second inventor's signature	
Residence <b>245 Clifton Avenue, San Carlos, California 94070</b>	
Citizenship <b>US</b>	
Post Office Address <b>As above</b>	

Page 1

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Barbara J. Luther, Reg. No. 33,954

Send Correspondence to: **Barbara J. Luther, Esq., P.C.**  
330 Abies Road  
Reno, Nevada 89511-8779

Direct Telephone Calls to: (name and telephone number)  
**Barbara Luther @ 775-849-9746 Fax: 775-849-7816**

DRAFT - GET IT IN WRITING

Full name of sole or first inventor <b>Russell N. Van Gelder</b>	Date
Sole or first inventor's signature	
Residence <b>11928 Claychester Drive, Des Peres, Missouri 63131</b>	
Citizenship <b>US</b>	
Post Office Address <b>Washington U. Medical School, Dept. Ophthalmology &amp; Visual Science #8096, 660 S. Euclid, St. Louis, MO</b>	

Full name of second inventor, if any <b>Mark E. Von Zastrow</b>	Date <b>6/24/93</b>
Second inventor's signature <b>Mark E. Von Zastrow</b>	
Residence <b>245 Clifton Avenue, San Carlos, California 94070</b>	
Citizenship <b>US</b>	
Post Office Address <b>As above</b>	

Full name of third inventor, if any

**Jack D. Barchas**

Third inventor's signature

Date

Residence

Citizenship

Post Office Address

**525 East 68th Street, Box 171, New York, NY 10021**

Full name of fourth inventor, if any

**James D. Eberwine**

Fourth inventor's signature

**8/6/99**

Date

Residence

**3918 Henry Avenue, Philadelphia, Pennsylvania 19129**

Citizenship

**US**

Post Office Address

**Same as above**

Full name of fifth inventor, if any

Fifth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth inventor, if any

Sixth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of third inventor, if any

Jack D. Barchas

Third inventor's signature

Residence

1900 Rittenhouse Square #18A, Philadelphia, PA 19103

Citizenship

US

Post Office Address

As above

4/24/66  
Date

Full name of fourth inventor, if any

James D. Eberwine

Fourth inventor's signature

Date

Residence

3918 Henry Avenue, Philadelphia, Pennsylvania 19129

Citizenship

US

Post Office Address

As above

Full name of fifth inventor, if any

Fifth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth inventor, if any

Sixth inventor's signature

Date

Residence

Citizenship

Post Office Address

DEPARTMENT OF COMMERCE